In the Supreme Court of the United States

OCTOBER TERM, 1956

No. 351

INTERNATIONAL BROADCASTING CORPORATION,
PETITIONER

v.

FEDERAL COMMUNICATIONS COMMISSION

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

MEMORANDUM FOR THE FEDERAL COMMUNICATIONS COMMISSION IN OPPOSITION

The essence of this case is as follows: (1) Petitioner unsuccessfully applied to the Federal Communications Commission for a television station license in Shreveport, Louisiana. It appealed to the Court of Appeals for the District of Columbia Circuit, contending that the Commission's order was erroneous on various procedural and substantive grounds. The Court of Appeals, after receiving briefs and hearing oral argument, unanimously affirmed *per curiam,* holding that there was no merit in the appeal. (2) The petition for certiorari expressly disclaims any attempt to seek review of the merits of the judgment below. It is

based solely on the ground that it was "a dereliction of judicial responsibility" for the Court of Appeals to affirm the Commission's order in a "summary" *per curiam* opinion (Pet. 13).

Petitioner was entitled, of course, to fair and just consideration and decision of the questions presented by its appeal. But there is no reason to suppose that it received anything less. The assumption that brevity implies arbitrariness requires no refutation.

Petitioner's statement of the case amply shows that no further review is warranted. The petition for certiorari should be denied.

Respectfully submitted.

J. LEE RANKIN,
Solicitor General.

SEPTEMBER 1956.

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